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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,355	12/20/2001	T. Ron Davis	RQTV-1-1007	9626

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EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,355	<b>Applicant(s)</b> DAVIS ET AL.	
	<b>Examiner</b> Michael Van Handel	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claims **7-10, 12-14** are objected to because of the following informalities:

Referring to claims **7-10** and **12-14**, the examiner notes that the dependencies of the claims have not been changed in light of the preliminary amendment. The examiner assumes that the applicant intended claims 7, 8, and 10 to depend on claim 6; claim 9 to depend on claim 8; claims 12 and 13 to depend on claim 11; and claim 14 to depend on claim 13. The claims in this office action are addressed as though the suggested changes have been made.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim **11, 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Hidary et al.

Referring to claims **11** and **12**, Hidary et al. discloses a graphic user interface for associating triggers for enhancing programming with video programming, comprising:

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- a database of triggers (col. 5, l. 50-60);
- means for associating one or a plurality of frames within the video programming with a specific trigger and a video programming recording means for recording the one or plurality of frames within the video programming along with the associated triggers (col. 4, l. 44-49).

3. Claims 6, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al.

Referring to claims 6 and 7, Shoff et al. discloses a method for generating a mask to be combined with video programming, the method comprising:

- presenting a billboard group comprising billboard triggers (links to enhanced content server 52)(col. 5, l. 12-20 & Figs. 8b, 8c);
- presenting an article group comprising article triggers (links to enhanced content server 52)(col. 11, l. 26-33 & Fig. 2); and
- inserting one or more of the presented triggers from the billboard group and the article group into a mask template (col. 13 & 14).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Wilkins.

Referring to claims 1 and 2, Shoff et al. discloses an apparatus for authoring an interactive entertainment program, comprising:

- a billboard group comprising billboard triggers (links to enhanced content server 52)(col. 5, l. 12-20 & Figs. 8b, 8c);
- an article group comprising article triggers (links to enhanced content server 52)(col. 11, l. 26-33 & Fig. 2);
- a mask template (col. 11, l. 44-45); and
- an insertion component configured to allow a user to insert one or more of the triggers from the billboard group and the article group into the mask template (col. 13 & 14).

Shoff et al. does not disclose that the interactive entertainment program be authored through the use of a graphical user interface (GUI). Wilkins discloses a graphical user interface for creating graphics pages in a broadcast system (col. 1, l. 36-42). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the authoring apparatus of Shoff et al. to include a GUI for creating graphics pages in a broadcast system, such as that taught by Wilkins in order to obtain an improved method and apparatus that allows a reduction in labor requirements (Wilkins col. 1, l. 30-34).

3. Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Wilkins and further in view of Maillard et al.

Referring to claims 3 and 4, the combination of Shoff et al. and Wilkins teaches the graphical user interface of claim 1. The combination of Shoff et al. and Wilkins does not teach that the graphical user interface include an article associating component configured to associate articles with system users based on at least one of an income range, a user location, a user gender, and a user age. Maillard et al. discloses a system that allows an operator to deliver interactive television content in accordance with user profile criteria (col. 3, l. 18-22, 59-67; col. 4, l. 1-24; & col. 7, l. 1-10). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Shoff et al. and Wilkins to include delivering interactive television content in accordance with user profile criteria, such as that taught by Maillard et al. in order to constrain a specific message to a specific population (Maillard et al. col. 2, l. 4-6). Note: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Wilkins and further in view of Hidary et al.

Referring to claim 5, the combination of Shoff et al. and Wilkins teaches the graphical user interface of claim 1. The combination of Shoff et al. and Wilkins does not teach a combining component configured to combine the result of the insertion component with associated video programming and store the combination on non-volatile memory. Hidary et al. discloses embedding uniform resource locators (URLs) into the vertical blanking interval (VBI) of video programming (col. 4, l. 44-49 & Fig. 1). It would have been obvious to one of ordinary

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skill in the art at the time that the invention was made to modify the combination of Shoff et al. and Wilkins to include embedding URLs in the VBI of the video programming, such as that taught by Hidary et al. in order to save bandwidth.

5. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Maillard et al.

Referring to claims 8 and 9, Shoff et al. discloses the method of claim 6. Shoff et al. does not disclose that the method include associating articles with system users based at least one of an income range, a user location, a user gender, and a user age. Maillard et al. discloses a system that allows an operator to deliver interactive television content in accordance with user profile criteria (col. 3, l. 18-22, 59-67; col. 4, l. 1-24; & col. 7, l. 1-10). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Shoff et al. to include delivering interactive television content in accordance with user profile criteria, such as that taught by Maillard et al. in order to constrain a specific message to a specific population (Maillard et al. col. 2, l. 4-6). Note: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

6. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Hidary et al.

Referring to claim 10, Shoff et al. discloses the method of claim 6. Shoff et al. does not disclose a combining component configured to combine the result of the insertion component

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with associated video programming and store the combination on non-volatile memory. Hidary et al. discloses embedding uniform resource locators (URLs) into the vertical blanking interval (VBI) of video programming (col. 4, l. 44-49 & Fig. 1). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Shoff et al. to include embedding URLs in the VBI of the video programming, such as that taught by Hidary et al. in order to save bandwidth.

7. Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary et al. in view of Shoff et al.

Referring to claim 13, Hidary et al. discloses the interface of claim 12. Hidary et al. does not disclose selecting a plurality of triggers to fill a plurality of positions on a video viewing screen. Shoff et al. discloses selecting a display layout for the presentation of supplemental content (col. 10, l. 44-67 & col. 11, l. 1-2). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hidary et al. to include specifying a display layout, such as that taught by Shoff et al. in order to grant content providers more freedom in what they can create as a full interactive media event (col. 2, l. 48-53).

Referring to claim 14, the combination of Hidary et al. and Shoff et al. teaches the interface of claim 13, wherein associating comprises:

- storing a mask of associated triggers at an addressable site on the internet (Shoff et al. col. 5, l. 12-30 & col. 9, l. 54-59); and
- storing an address for the addressable site in association with the one or plurality of frames (Hidary et al. col. 4, l. 44-49).



### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burns discloses an electronic kiosk authoring system.

Nielsen discloses a system for capturing information from a video signal.

Johnson discloses a method/apparatus for improving Internet access.

Allibhoy et al. discloses a method and system for controlling and auditing content/service systems.

Blackhetter et al. discloses a user interface for interactive television systems.

Zustak et al. discloses a system for the display of ancillary data on a local network appliance.

Tomsen et al. discloses a system and method for unprompted, context-sensitive querying during a television broadcast.

Freeman et al. discloses an interactive computer system for providing an interactive presentation with personalized video, audio and graphics responses for multiple viewers.

Valdez, Jr. discloses a system and method for providing interactive components in motion video.

Balkus et al. discloses an authoring system for combining temporal and nontemporal digital media.

Liu et al. discloses a method and apparatus for integrated real-time interactive content insertion and monitoring in e-commerce enabled interactive digital TV.

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Dougherty et al. discloses a compact graphical interactive information system.

Weinstein et al. discloses combining television broadcast and personalized/interactive information.

Hooper et al. discloses the remote display of an image by transmitting compressed video frames representing background and overlay portions thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Note to Applicant**

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

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Michael Van Handel  
Examiner  
Art Unit 2623

MVH

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal stroke extending to the right.

**VIVEK SRIVASTAVA  
PRIMARY EXAMINER**